

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/542,822 Confirmation No. 8352  
Applicants : ROY H. HAMMERSTEDT et al.  
Filed : January 21, 2004  
Title : USE OF PASSAGEWAYS THROUGH POROUS  
MEMBRANES  
Group Art Unit : 1777  
Examiner : Dirk R. Bass  
Customer No. : 28289

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

**DECLARATION OF PRIOR INVENTION UNDER 37 C.F.R. § 1.132**

Sir:

We, Roy H. Hammerstedt and Stephen Schwartz, hereby declare as follows:

1. We are the inventors of the invention described and claimed in the above-referenced application, which claims priority to United States Provisional Application No. 60/441,396, filed January 21, 2003.

2. We have read the Office Action of September 1, 2010, along with the prior art cited by the Examiner, namely, United States Patent Application Publication No. 2002/0088748 (US '748). We are named inventors of US '748.

3. The specification and claims of US '748 are primarily directed to pH-dependent gated pore membranes. At the time of the invention of US '748, we were also

developing methods of altering properties of capillary-pore membranes. That development work was briefly mentioned in part in paragraphs [0010-0011] of US '748. Together, we conceived of the subject matter mentioned in paragraphs [0010-0011] of US '748. The subject matter of paragraphs [0010-0011] of US '748 was not fully disclosed and claimed until the filing of the present application.

4. I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signed Name: Roy H. Hammerstedt

Typed Name: Roy H. Hammerstedt

Date: 12/23/2010

Signed Name: Stephen S. Schwartz

Typed Name: Stephen Schwartz

Date: 12 / 23 / 2010